

Supplement to earlier comments regarding opposition to RM-11306  
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ARS: AG4YO

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**To the Commission:**

I would like to add to my comments in opposition to RM-11306 and the Ex-Parte letter seeking to modify, and the ERRATUM seeking to clarify.

1. In Part 97.309 currently, the rules forbid encryption for the purpose of obscuring the meaning of a communication. The ARRL proposes dropping this part of the rule.

Openness is desired by most Amateurs in compliance with International rules and in the tradition of the service. In this day and age with national security concerns and international suspicions running high, most Amateurs I know want our service to remain open and transparent...and as such above reproach. The current wording of the rules is very clear, and has only become obscured by the rhetoric of those who seek ways around the rules. I ask the Commission to please keep encryption and codes out of Amateur Radio.

2. Some recent comments by Winlink supporters try to portray wideband data use as an emergency communications versus hobby use issue. The Commission should remember that a vast majority of emergency communications today is indeed voice and narrowband data communications. I ask the Commission to note the comments saying modes like CW, RTTY, and SSB are outdated and must yield spectrum to wideband data use that

reveal the unfortunate attitude of the 1% of US Amateur wideband data users who seek to take over Amateur Radio and turn it into a wireless email service.

3. Prohibiting encryption does not prohibit the use of Winlink for emergency use.

Encryption proponents often site HIPPA as the reason to do so. In the memo:

<http://privacyruleandresearch.nih.gov/pdf/HurricaneKatrina.pdf> the Department of Health and Human Services clarifies the HIPPA rule for Katrina victims. This clarification makes it clear that the uses Winlink proponents cite as HIPPA concerns are indeed not.

4. Restricting bandwidth for data users does not prohibit Emergency Communications use. Others in comments have compared the data throughput between Pactor II and Pactor III modems and the conclusion is obvious that there is nothing which would severely inhibit Emergency Communications by the use of Pactor II. Opposition to Pactor III and its closed source, encryption, high cost, and unnecessary wideband use is not opposition to Emergency Communications.

5. Opposition to interference from wideband data to other modes such as SSB, AM, CW, RTTY, and PSK31 is not opposition to Emergency Communications. Data modes for email and other uses restricted to automatic subbands where they will not interfere with other users does not in any way prohibit Emergency Communications.

6. The Commission may at any time suspend the rules for declared State or Federal emergencies, or simply modify the rules allowing expanded use of wideband data and encryption in the RTTY/Data subbands during these declared emergencies. But I believe most Amateurs would agree that if the message can't be sent "in the clear" and not encrypted, it does not belong on the Amateur Bands

7. Government Agencies, RVers, Pleasure Boaters and other potential commercial users all have other options at their disposal that they may purchase instead of trying to use Amateur Radio for commercial use. This does not prohibit Amateur Radio from being used in bona-fide emergencies, but rather seeks to follow Commission rules concerning competition with commercial services.

8. In conclusion I oppose encryption, interference from wideband data modems, allocation of spectrum not based on use patterns, and competition with commercial providers. I do support openness on the Amateur Bands. I am not opposed to Emergency Communications nor does the denial of all ARRL petitions and ex-parte filings by the Commission mean that the issues cannot be resolved by parties getting together and reaching consensus.

9. In the recent proceedings for removal of telegraphy testing for Amateur Radio, the Commission mistook the number of comments and petitions filed for a mandate that action was needed. In this case most Amateurs I have spoken to are of the opinion that regulation by Bandwidth would be a total disaster for Amateur Radio. Assuming this

frame of mind, the Commission is seeing alot of "alternatives". This does not mean that a majority of Amateurs feel change is needed.

10. I firmly believe that 90% or more of Amateur Operators feel NO RULES CHANGE IS NEEDED. Yet even with this opinion, we seek to have some space albeit segregated for data experimentation to occur (as in the automatic subbands) without disrupting narrowband data users, users of telegraphy, or users of voice and image modes.

11. I ask again that RM-11306 be denied and the ex-parte request be denied. Doing so will not prohibit Emergency Communications. I also repeat my request posted in previous comments that when the petition is denied, the FCC clarify rules concerning encryption, automatic stations, and commercial use. Thank you for the privilege of commenting.

Respectfully,

Submitted Electronically

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